

BOARD MEETING MINUTES

**DECEMBER 13 & 14, 2001
BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
BOARD OFFICE
2535 CAPITOL OAKS DRIVE #300
THIRD FLOOR CONFERENCE ROOM
SACRAMENTO CA 95833
(916) 263-2230**

Thursday, December 13, 2001

BOARD MEMBERS PRESENT: Vincent DiTomaso (President), Millicent Safran (Vice-President), James Foley, Gregg Brandow, Kathy Hoffman, Andrew Hopwood, and Stephen Lazarian.

BOARD MEMBERS ABSENT: David Chen

BOARD STAFF PRESENT: Cindi Christenson (Executive Officer), Gary Duke (Legal Counsel), Susan Ruff (Liaison Deputy Attorney General), Nancy Eissler (Attorney General Liaison Analyst), David Brown (Special Assistant to the Executive Officer), Cindy Morris-Hoppe (Executive Analyst), Janeece Sargis (Examination Analyst), Eileen Crawford (Staff Civil Engineer), and Debbie Thompson (Budget Analyst)

PUBLIC PRESENT: SEE ATTACHED

1. Roll Call to Establish a Quorum

The meeting was called to order by President DiTomaso at 2:15 p.m. Roll call was taken, and a quorum was established.

President DiTomaso advised that items would be taken out of order because of the quorum issue. Ms. Hoffman would be leaving at 2:45 p.m. and action items need to be taken first so there would be a quorum to vote on these items.

2. Public Comment

There was no public comment at this time.

3. Closed Session

The Board went into closed session at 2:20 p.m.

4. Open Session to Announce the Results of Closed Session

Ms. Christenson reported that the Board granted the Petition for Reconsideration regarding Wallace Beron.

Ms. Christenson reported that the Board adopted the results of the take-home examination for those candidates who had previously passed the 8-hour portion of the indicated examinations and the Seismic Principles and Engineering Surveying examinations (as appropriate). The Board adopted the cut scores of the October 2001 examinations as follows:

- EIT- 70 out of 100
- LSIT- 70 out of 100
- Traffic-73 out of 109

Ms. Christenson reported that the Board discussed pending litigation as noticed.

5. a Approval of the Minutes of the October 18, 2001 Teleconference Board Meeting.

MOTION: Mr. Lazarian/Mr. Hopwood moved to approve the minutes of the October 18, 2001, Teleconference Board Meeting.

VOTE: 7-0, motion carried

5. b Approval of Consent Items

MOTION: Mr. Lazarian/Mr. Hopwood moved to approve for licensure those candidates who meet the requirements for certification or licensure, based on the examination results approved in closed session.

VOTE: 7-0, motion carried

6. Approval of Delinquent Reinstatements

MOTION: Mr. Hopwood/Mr. Lazarian moved to approve the Delinquent Reinstatements as follows:

Civil

1. **Siavash Bahador**
Reinstate applicant's civil license once he/she takes and passes the Seismic Principles Examination, the Engineering Surveying Examination, the Board's Laws and Rules Examination, and pays all required delinquent renewal fees.
2. **Vidya Hoskere**
Reinstate applicant's civil license once he/she takes and passes the Board's Laws and Rules Examination.
3. **Amer Jakher**
Reinstate applicant's civil license once he/she pays all required delinquent renewal fees.
4. **Thomas McGaughey**
Reinstate applicant's civil license once he/she takes and passes the Seismic Principles Examination, the Engineering Surveying Examination, the Board's Laws and Rules Examination, and pays all required delinquent renewal fees.
5. **John Shubert**
Reinstate applicant's civil license once he/she takes and passes the Seismic Principles Examination, the Engineering Surveying Examination, the Board's Laws and Rules Examination, and pays all required delinquent renewal fees.

Electrical

1. **Henry V. Bazak**
Reinstate applicant's electrical license once he takes and passed the Board's Laws and Rules Examination and pays all required delinquent renewal fees.

Mechanical

1. **Said A. Bandi**
Reinstate applicant's mechanical license once he takes and passes the Board's Laws and Rules Examination.

2. John J. Barta

Reinstate applicant's mechanical license once he takes and passes the Board's Laws and Rules Examination and pays all required delinquent renewal fees.

3. Erland E. Gulbrand

Reinstate applicant's mechanical license once he takes and passes the Board's Laws and Rules Examination and pays all required delinquent renewal fees.

VOTE: 7-0, motion carried

7. Comity and Temporary Authorization Applications

MOTION: Ms. Hoffman/Mr. Hopwood moved to approve for licensure the comity applicants listed on the handout distributed at the board meeting (copy attached).

VOTE: 7-0, motion carried.

MOTION: Ms. Hoffman/Mr. Hopwood moved to approve the following Chemical applicant for licensure by waiving the second division examination (NCEES Chemical Engineering examination) because the applicant has the appropriate experience, has taken and passed both an 8-hour NCEES EIT examination, and an 8-hour NCEES PE examination, has taken and passed the take-home examination, and is licensed in another state.

1. Lynda L. Hoffman

VOTE: 7-0, motion carried.

MOTION: Ms. Hoffman/Mr. Hopwood move to approve the following Electrical applicant for licensure by waiving the second division examination (NCEES Electrical Engineering examination) because the applicant has the appropriate experience, has taken and passed an 8-hour NCEES EIT

examination, an 8-hour NCEES PE examination, is licensed in other states, and has taken and passed the take-home examination.

1. Leigh P. Harrison

VOTE: 7-0, motion carried.

MOTION: Ms. Hoffman/Mr. Hopwood moved to approve the following Mechanical applicants for licensure by waiving the second division examination (NCEES Mechanical Engineering examination) because the applicants have the appropriate experience, have taken and passed both an 8-hour NCEES EIT examination, and an 8-hour NCEES PE examination, are licensed in other states, and have taken and passed the take-home examination.

- 1. Linus A. Drouhard**
- 2. Robert E. Page**

VOTE: 7-0, motion carried.

MOTION: Ms. Hoffman/Mr. Hopwood moved to approve the following Mechanical applicants for licensure by waiving the second division examination (NCEES Mechanical Engineering examination) because the applicants have the appropriate experience, have taken and passed both an 8-hour EIT examination, and an 8-hour PE examination, are licensed in other states, and have taken and passed the take-home examination.

- 1. Michael H. Davison**
- 2. Patrick B. Flanagan**

VOTE: 7-0, motion carried.

MOTION: Mr. Lazarian/Mr. Foley moved to approve an additional 6 months of Temporary Authorization for Mr. Keith Vinson and Mr. Gene Amrhein.

VOTE: 6-0-1, Mr. Hopwood abstained, motion carried.

14. Examination/Qualifications

b. Geotechnical Engineering Test Plan

MOTION: Mr. Foley/Ms. Hoffman moved to adopt the new test plan for the Geotechnical Engineering examination.

VOTE: 7-0, motion carried.

c. EIT Reference Manual

MOTION: Ms. Hoffman/Mr. Hopwood moved to discontinue mailing advance copies of used EIT handbooks as study guides to all EIT applicants.

VOTE: 7-0, motion carried.

d. Temporary Authorization

MOTION: Mr. Hopwood/Mr. Foley moved to repeal section 8753, temporary authorization for Land Surveyors, because of the monument-tagging requirement.

VOTE: 6-1, motion carried. Ms. Hoffman, nay

Mr. Brandow withdrew his motion to Amend section 6760, temporary authorization for engineers, to specify that the duration of the authorization is to be for the length of the project plus an additional six months or, until they obtain licensure; and, amend section 6799 to increase the fee and directed staff to get more information for the January 2002 Board meeting.

MOTION: Mr. Lazarian/Mr. Hopwood moved to commence the rulemaking process to adopt a rule that sets forth the following requirements:

An application for temporary authorization will consist of:

- The application face sheet;
- The fee;
- A description of the project including the actual location;
- A set of professional documents of which the individual was in responsible charge for at least two similar projects that the applicant has worked on in the past. Such documents submitted for temporary authorization to perform civil engineering must include the demonstration of the applicant's

knowledge of his or her application of seismic forces in the design of structures or adequate knowledge in any of the other phases of civil engineering in the design of any non-structure;

- Four references from individuals authorized to practice in the area for which temporary authorization is being sought; at least two of the references must be from individuals that have specific knowledge of a project that is similar to that which the applicant is seeking temporary authorization for,
- An appearance before the Board as required by section 6760, and;
- Establish a Review Committee.

VOTE: 7-0, motion carried.

8. Continuity of Board Activities

President Di Tomaso requested that this item be placed on the agenda due to the fact that the composition of the Board could change significantly over the next year. He would like the Board to discuss ways to provide incoming board members with sufficient background on the board's activities. One suggestion is to hold TAC meetings in conjunction with Board meetings, starting with the January Board meeting, so that TAC members can be of assistance to incoming Board members.

Currently, the Board has 5 vacancies – Civil, Mechanical, Land Surveyor and 2 public members. Two board members, (President DiTomaso and Gregg Brandow), are serving in their grace year and will be off the Board as of June 1, 2002, if not re-appointed. The terms of four Board members, (David Chen, Jim Foley, Kathy Hoffman, and Steve Lazarian), will expire on June 1, 2002 (although they may serve a one-year grace period). Therefore, there is the potential of having up to 11 board members appointed at one time.

10. Amendments to Board Rule 407 (Fees)

Ms. Thompson reviewed the Board's fund condition with the proposed application fee increases included and the biennial renewal. The regulations will need to be approved and in place no later than November 2002. The proposed fees will eliminate the deficit FY 2003/04 and provide less than one month's reserve

Ms. Thompson recommended the proposed application fee be raised above \$300 to ensure an adequate reserve is built up for FY 2003/04.

President DiTomaso indicated that, at the last Board meeting, the suggestion was made to not raise the EIT/LSIT application fee due to declining enrollment figures.

As there is no quorum to vote on these two issues, they will be placed on the next Board agenda.

11. Administrative

a. Fund Condition

Ms. Thompson reviewed the Board's fund condition. The deficit projected for FY 2003/04 is \$1.7 million. The total revenue received to date as of October is higher than last year at this time. This is because there has been an increase in the number of applications received. Also, this is the peak year for renewals during which renewals increase by more than 25%. If the number of applications received continues to rise, the Board will need to increase its projected budget expenditure for the additional cost of NCEES grading fees.

b. FY 2001/02 Budget

Regarding the budgeted expenditures, the projected savings has increased to \$40,417. The increase is because the Governor placed a statewide hiring freeze in October causing salary savings for two vacant enforcement positions that cannot be filled. The Board will have another two vacancies as of January that will generate even more savings. The Board is submitting exemptions for these vacancies. If these vacancies are not filled. Ms. Thompson indicated that the savings will be beneficial as it will pay for any potential increases in costs due to exam population increases for the April exam.

Friday, December 14, 2001

BOARD MEMBERS PRESENT: Vincent DiTomaso (President), Millicent Safran (Vice-President), James Foley, Gregg Brandow, Andrew Hopwood, and Stephen Lazarian.

BOARD MEMBERS ABSENT: David Chen and Kathy Hoffman

BOARD STAFF PRESENT: Cindi Christenson (Executive Officer), Gary Duke (Legal Counsel), Susan Ruff (Liaison Deputy Attorney General), Nancy Eissler (Attorney General Liaison Analyst), David Brown (Special Assistant to the Executive Officer), Cindy Morris-Hoppe (Executive Analyst), Janeece Sargis (Examination Analyst), Eileen Crawford (Staff Civil Engineer), and Debbie Thompson (Budget Analyst)

PUBLIC PRESENT: SEE ATTACHED

1. Roll Call to Establish a Quorum

The meeting was called to order by President DiTomaso at 9:10 a.m. Roll call was taken, and there was not a quorum.

7. Comity and Temporary Authorization Applications

President DiTomaso explained to Mr. Brett Cox and Mr. Michael Gardina (Temporary Authorization Applicants) that the Board did not have a quorum and would not be able to vote on their Temporary Authorization applications at this time.

Mr. Foley and Dr. Brandow questioned Mr. Cox and Mr. Gardina regarding their projects and experience.

President DiTomaso directed Mr. Cox and Mr. Gardina to notify staff of their requested start date. President DiTomaso also told Mr. Cox and Mr. Gardina that as soon as the Board has a quorum, they can vote on this item.

2. Public Comment

Mr. Steve Hao of Caltrans addressed the 2-year renewal program. Mr. Hao asked the Board if it would be possible to set up a direct pay method for employees of Caltrans.

9. Title Act Study (Discussion)

Ms. Carol Barnes gave the Board an update on the Title Act Study.

12. Legislative

a. Pending Legislation for 2001 Legislative Session, including, but not limited to: SB 26 (Figueroa), SB 136 (Figueroa), SB 771 (B&P), SB 1045 (Polanco), AB 269 (Correa), AB 805 (Shelley), and others (Possible Action)

Mr. Brown discussed the status of legislation the Board was following during 2001.

Mr. Brown provided an update of regulations that the various committees are developing and/or considering for 2002.

Mr. Lazarian, chair of the Legislative Committee, noted that time would be devoted by the committee to review 2002 legislation. The committee will ensure that all bills relating to engineering/land surveying related issues are reviewed to determine an interest for the board. He noted there were a number of bills in the 2001 session that did not have an impact on the Boards licensing/regulatory role but that were sufficiently related to the occupations that would be of interest to the Board.

b. Future Legislation, Temporary Authorization and Delinquent Licensees

Mr. Brown reported on this item.

13. Enforcement

a. Report on December 13, 2001 Committee Meeting

Mr. Hopwood reported on this item.

b. Development and Adoption of Regulations Regarding a Code of Professional Conduct (Possible Action)

There was discussion on the fifth draft and staff was directed to make some changes and present the sixth draft at the January 2002 Board meeting.

Mr. Hopwood let everyone know that they are welcome to provide comments on any of the drafts at any time and please send comments to the enforcement unit.

Mr. Hopwood also let everyone know that there will still be the opportunity for public comments during the formal rulemaking process.

c. Responsible Charge Definition and Possible Amendments to Board Rules 404.1 and 404.2 (Possible Action)

Mr. Duke and staff will work on draft language to present at the January 2002 Board meeting.

d. Report on Enforcement Review/Oversight Programs of Other Boards (Possible Action)

Staff will continue to review programs from other boards and any legislation about it, and report at upcoming meetings.

14. Examination/Qualifications

a. Report on December 13, 2001 Committee Meeting

Mr. Hopwood reported on this item.

e. Delinquent Licensees

No action taken on this item.

15. Liaison Reports (Possible Action)

a. ABET

Reports were provided for, San Diego, Naval Academy and UC, Irvine.

b. NCEES

No report given.

16. President's Report

No report given.

17. Executive Officer's Report

1. Administration Report

a. Executive summary report

Ms. Christenson reported on this item.

2. Personnel

a. Hiring freeze

Ms. Christenson reported on this item. The hiring freeze is expected to last until 2003.

3. Enforcement/Examination/Licensing

a. College Outreach

Ms. Christenson reported on this item.

4. Publications/Website

a. Website activity

No report given.

b. Bulletin

No report given.

c. Consumer Guide

Ms. Christenson reported that the new copy was just published. We will be sending Consumer Guide to all counties, DCA, and members of the Senate and Assembly Business and Professions Committees.

5. Other

a. DCA update

Ms. Christenson reported that a new Strategic Plan is due every new fiscal year.

18. Approval of Board Travel (Possible Action)

No action taken.

19. Other Items Not Requiring Board Action

a. Next Board meeting: January 24 & 25, 2002, Airtel Plaza Hotel, Van Nuys, California.

President DiTomaso presented Jeanette Paul with a plaque, congratulated her on her retirement, and thanked her for her 45 years of service with the Board of Professional Engineers and Land Surveyors.

President DiTomaso announced that all of the Board's Technical Advisory Committees will be meeting in the morning of January 24, 2002, to discuss the Code of Professional Conduct. He reminded everyone that comments on any of the drafts are always welcome.

20. Adjourn

The meeting adjourned at 12:00 p.m.

PUBLIC PRESENT

Steve Hao, CalTrans
Carl C deBaca, CLSA
Tom Yu
Lee Adler, SEAOC
Gene Weatherby, CELSOC
Richard Markson, CELSOC
Mike Gardina, GBC Design
Brett Cox, Bibb Associates
Neal Colwell, ECO: LOGIC Eng.

